



Jordan and Hamburg
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FEB 01 2006

**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Fujioka et al.
Application No. 09/736,107
Filed: December 13, 2000
Title: Video Game Apparatus, a Character
Training Controlling Method, and a Readable
Storage Medium Storing Character Training
Control Programs

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed July 21, 2005.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned September 18, 2004 for failure to timely reply to the non-final Office Action mailed on June 17, 2004. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed June 17, 2005.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on November 17, 2004 and received in the Office on November 22, 2004. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing pursuant to 37 CFR 1.8 and a copy of a date stamped postcard receipt which serves as prima facie evidence.

The response submitted November 22, 2004 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 3700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent and the last name "Grant" following in a similar style.

Charlema R. Grant

Petitions Attorney

Office of Petitions